

2019 Oct-24 PM 12:54
U.S. DISTRICT COURT
N.D. OF ALABAMA

Pro Se 14 (Rev. 09/16) Complaint for Violation of Civil Rights (Prisoner)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA**

Antwone Lonzon Wilson
Plaintiff

(Write your full name. No more than one plaintiff may be named in a complaint.)

-v-

U.S. DISTRICT COURT
N.D. OF ALABAMA

Case No. _____
(to be filled in by the Clerk's Office)

2:19-cv-01746-KOB-GMB

(1.) Wexford Health
(2.) MS. Bourque (3.) MR. Spencer
Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all of the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here. Your complaint may be brought in this court only if one or more of the named defendants is located within this district.)

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)**

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis*.

Mail the original complaint and the filing fee of \$400.00 or an Application to Proceed *In Forma Pauperis* to the Clerk of the United States District Court for the Northern District of Alabama, Room 140, Hugo L. Black U.S. Courthouse, 1729 5th Avenue North, Birmingham, Alabama 35203-2195.

I. The Parties to this Complaint**A. The Plaintiff**

Provide the information below for the plaintiff named in the complaint.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Antwone Lonzio Wilson
Antwone Wilson
270372
Donaldson Correctional Facility
100 Warrior Lane
Bessemer AL 35023
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

MS. Bourque
Administor over Mental Health
Wexford Health INC.
100 Warrior Lane
Bessemer AL 35023
City State Zip Code



Individual Capacity



Official Capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

MR. Spencer
Mental Health Specialist
Wexford Health INC.
100 Warrior Lane
Bessemer AL 35023
City State Zip Code



Individual Capacity



Official Capacity

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Wexford Health INC
Company-Business

UNKNOWN INFO

City

State

Zip Code



Individual Capacity



Official Capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code



Individual Capacity



Official Capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal law].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply);

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities, secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Violated the Eighth Amendment of the Constitutional

- C. Plaintiffs suing under *Bivens* may only recover for violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Illegally denied medical treatment to a crisis cell and denied sent to infirmary

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial Detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other _____
(*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Arose 10-18-19 in my cell U-8. I made a ~~black~~ suicide complaint about 8:00 Am

- C. What date and approximate time did the events giving rise to your claim(s) occur?

10-18-19 Time About 8:00 AM is when I Made Suicide Complaint

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See Attached Pages

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries in detail.

Deep CUT ON my Right Wrist From a Screw I Found IN my cell.
I Craved Down to the Flesh till I bleed out.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I ll like the courts to grant me relief For the damages from my
Suicide Attempt "Cuts on Wrist".

\$50,000 From every defendant Such as, MS. Bourque
MR. Spencer and Wexford Health

like the courts to have Wexford Health better train the Nurses
and MHP ON inmates that Need Medical treatment For
~~Suicide~~ Suicide Attempts

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☐ Do Not Know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do Not Know

If yes, which claim(s)?

*I made a complaint to Nurse Supervisor MS. Bassette
About how MR. Spencer and MS. Bourque denied me treatment.
I Also Wrote Investigation and Intelligence Division.*

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance

1. Where did you file the grievance?

Verbally with Supervisor Nurse Ms. Bassette and Wrote I: I a letter.

2. What did you claim in your grievance?

How my suicide complaint was ignored

3. What was the result, if any?

No Results From Nurse Bassette she said

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Grievance Process completed because I made Complaint to
Nurse Supervisor at Donaldson Correctional Facility

F. If you did not file a grievance:

I. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

Informed Nurse Supervisor Ms. Bassette "See Attached sheet"

3. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Attached Sheet

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had any cases dismissed based on grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted?

☐ Yes

☒ No

If yes, state which court dismissed your case(s), when this occurred, and attach a copy of the order(s) if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil-Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Printed Name of Plaintiff

Antwone Wilson

Prison Identification #

270372

Prison Address

100 Warrior LaneBessemerAL35023

City

State

Zip Code

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

10-22-19

(Date)

Antwone L. Wilson

Signature of Plaintiff

Complaint

ON 10-18-19 About 8:00 Am, Nurse Galindo was doing her Routine walk door by door checking on all the inmates in U-Unit. When Nurse Galindo stopped at my cell door "U-8", she asked me Was I OK or Needed anything. I responded telling Nurse Galindo that I was about to Kill myself, Nurse Galindo told me hold on she was about to go tell MR. Spencer about my Suicide Complaint. About ~~8:30~~ 8:30 Am officer Stephen came and walked me to the Mental Health building to speak with MR. Spencer. I was Asked Several questions by MR. Spencer while in the office. I told MR. Spencer I just Swallowed 12 Pills which was 7-Seriquil and 5-Zaparsa, I explained how I was feeling which was Very dizzy and I told MR. Spencer I throwed up twice. MR. Spencer Asked when did I take Pills I told him about twenty Minutes ago, MR. Spencer responded saying I'll be alright and he said he dont believe I took that many pills because I'll be dead. I then asked MR. Spencer could I be taken to the infirmary he responded saying No he wasn't about to have me taken to infirmary because he thought I was playing because I had a history of malingering with him. Then MR. Spencer asked me Was I Suicidal I responded saying yes I'm Suicidal and homicidal and I started Smiling because I was high on all the pills I just had took. MR. Spencer Saw me Smiling and said he was Sending me back to cell and Not to a Crisis cell, I told MR. Spencer I was gone either hang myself or cut my wrist soon as I got back to my cell he said OK. As I was walking out the Mental Health building with officer Stephen, I stopped at MS. Bourque office and told her that I just spoke with MR. Spencer telling him I was about to go Kill myself. I also told MS. Bourque that MR. Spencer sent me back to my cell and not a Crisis cell to place me on Suicide Watch. MS. Bourque responded saying OK I hear you, and dont go harm yourself. I told MS. Bourque I was about to go Kill myself, she just shook her head then officer Stephen told me to come on. I was taken back to my cell "U-8" about 8:45 Am, I got a screw out the Metal case light bulbs are held in on →

My Wall. I started carving in my skin and flesh until it started bleeding out. About 9:00 Am I saw officer Sutton inside the Unit I told him I was trying to kill myself and I showed him my Wrist, officer Sutton said he was about to go let somebody know in the Mental Health building. About 9:45 officer came to my cell door with MS. Bourque, MS. Bourque Asked Me to see my Wrist. I held my Wrist to cell window and showed MS. Bourque the blood coming out, MS. Bourque told me to sit down and I wasn't going to die because she had a scratch on her Foot bigger than the scratch on my Wrist. MS. Bourque then left, I picked screw up and started back cutting Wrist More. About 10:45 Am Sgt. Fleeton Walked in Unit I called him to my door and showed him my Wrist bleeding out and explained to him how MR. Spencer and MS. Bourque was refusing me Medical treatment because I told them both I was suicidal. Sgt. Fleeton told me hold on and don't kill myself Sgt. Fleeton told me he was about to go tell MR. Spencer I was bleeding from my Wrist. About 10:50 Am Sgt. Fleeton came back and told me he told MR. Spencer and he said MR. Spencer would send for me when he see officer Stephen. I started yelling out my Window outside saying I was bleeding and Needed help. Observer MS. Hackworth heard Me and said "Wilson what's going on" I responded saying I'm suicidal and Needed help because I was bleeding. MS. Hackworth said OK and she went and told MR. Spencer about my complaint. I waited about twenty minutes and started back yelling out Window MS. Armstead and MS. Holmes which are both Activity Techs heard Me and they said they was headed in the Mental Health building and would tell MS. Bourque or MR. Spencer about my suicide complaint. I sat and waited for hours, then about 2:00 pm officer Stephen came and got me and walked me to MS. Bourque office. MR. Spencer and MS. Bourque was sitting in the office when I walked in, MS. Bourque pulled out her cellphone and took pictures of my Wrist and MR. Spencer called Nurse Galindo in the office to do a body chart. I told Nurse Galindo I was sent →

pg 3
to my cell after I told MS. Bourque and MR. Spencer I was suicidal and I went and cut my wrist for real like I said I would do, MS. Galindo wrote down my statement on my body chart, Nurse Galindo showed me my body chart then I was taken to a crisis cell which was S-10. ON 10-21-19 I was taken off suicide watch. While in the Mental Health building I was taken in MS. Bourque office by LT. Sanders. Nurse Supervisor MS. Bassette told me to sit down, MS. Bourque walked out and MS. Horton and LT. Sanders stayed in the office. Nurse Bassette asked did I have a complaint, I explained to her everything that took place on 10-18-19 when I cut my wrist. Nurse Bassette told me it was a clinical decision for MS. Bourque and MR. Spencer to ignore my suicide complaint and send me back to my cell. I told Nurse Bassette that it sounded like she was trying to cover up for MS. Bourque and MR. Spencer **wrong doing**, so I was going to take more actions by writing investigation and intelligence division and filing a Law-suit with Federal courts. MS. Bassette told LT. Sanders that she was done talking to me. My Constitutional Rights under the Eighth Amendment was Violated by MS. Bourque and MR. Spencer, because they illegally denied me medical treatment by ignoring my suicide complaints for several hours and delayed sending me to a crisis cell.

Antwone G. Lilemon
10-22-19